1. Claim Rejections Based on 35 USC § 102

The Examiner rejects claims 8, 11, 12 under 35 USC § 102(b) as anticipated by LAUTENSCHLAGER, U.S. Patent No. 5,398,623. This rejection is respectfully traversed.

To support a rejection of claims as anticipated under 102 (b), the Examiner must cite a single prior art reference which describes, either expressly or inherently, each and every element of the claim as set forth in the claim (MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir.1987)). The Examiner has not met this requirement.

The independent claim 8 recites "a plurality of weight sensors in association with each of the at least first and second support members" (emphasis added). LAUTENSCHLAGER fails to describe a weight sensor attached to each of the first and second support member. In Page 2 of the Office Action, the Examiner implies that the hydraulic piston-cylinder 15 is a weight sensor and is located at spaced apart locations along said support members, remotely from the grate (15, fig. 3). Applicant respectfully submits that a hydraulic cylinder can not function as weight sensor (as this term is used by the Applicant), because remote load on a hydraulic system is not constant with time. Wear and less than perfect lubrication of the system will result in a resistance that will increase from the time the grate is serviced until it is then shutdown for the next service. This assumption creates a fictitious weight on the grate and could cause the system to falsely determine that more weight was on the grate than the actual weight was present. Use of load cells, strain gages, or the like such as in the Applicant's invention, do not run the risk of creating false readings over time. Without admitting that a hydraulic cylinder can function as a weight sensor, Applicant respectfully submits that LAUTENSCHLAGER fails to describe or even show

in any Figure that the hydraulic piston-cylinder 15 is attached to each of the support elements 24b and 24a. Thus, LAUTENSCHLAGER fails to teach or describe each and every element contained in claim 8, and as such, claim 8 is allowable as worded presently. Similarly, claims 11 and 12 (each of which depend from independent claim 8) are not anticipated by LAUTENSCHLAGER. Therefore, LAUTENSCHLAGER does not teach or describe the method and system of the claimed invention, as is required for an anticipation rejection. This rejection is clearly not supported by LAUTENSCHLAGER when considered in light of applicable case law. Accordingly, reconsideration and allowance of claims 8, 11, and 12 are respectfully requested.

Furthermore, LAUTENSCHLAGER fails to even remotely suggest the method described by Claim 8. As noted on Page 3 of the specification in the present invention, in one embodiment of the present invention, the weight of the fuel load is sensed at the fuel-receiving end of the grate and at the discharge end of the grate. Furthermore, weight sensors preferably are located at spaced apart locations across the width of the grate and at locations intermediate the opposite ends of the top run of the grate which provides a representative virtual two dimension map of the distribution of fuel over substantially the entire fuel-supporting surface of the grate. (emphasis added). Employing multiple fuel infeed sources, along with the two-dimensional map, permits the operator or automatic controller to select which particular one or ones of the multiple infeed sources should be selectively adjusted with respect to its contribution to the infeed of fuel onto the grate. No where in LAUTENSCHLAGER teaches, describes or even remotely suggests that "each of the weight sensors provide a visual or other real time representation of the overall weight or distribution of weight of fuel disposed on the grate at any given time" as recited in Claim 8 of the present invention.

2. Claim Rejections Based on 35 USC § 103

Claim 9 is rejected under 35 U.S.C. § 103 (a) as being obvious over LAUTENSCHLAGER, U.S. Patent No. 5,398,623. This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Indeed, both the suggestion and the expectation of success must be found in the prior art, not in the Applicant's disclosure. In re Vaeck, 20 USPQ2d 1438 (Fed. Cir. 1988) (emphasis added). More specifically, the Federal District Court of D.C., which has jurisdiction over the USPTO, recently ruled that the suggestion or motivation to modify or combine prior art must be explicit in the prior art. See Winner Int'l Royalty Corp. v. Wang, 48 USPQ2d 1139 (DCDC 1998). The Applicant believes that the Examiner has failed to make a *prima facie* case of obviousness.

Claim 9 is dependent on the independent Claim 8. The Examiner has not rejected claim 8 under 35 U.S.C. 103. As such, claim 9 is non-obvious in view of LAUTENSCHLAGER, and is therefore allowable in its present form. LAUTENSCHLAGER provides no apparent basis for concluding that a person of ordinary skill in the art would be motivated to modify the method described therein so as to arrive at the claimed invention with a reasonable expectation of success in achieving the advantages of the claimed invention as recited in Claims 8-14 and fully

described throughout the specification. Therefore, this rejection is inappropriate and should be withdrawn.

3. Allowable Subject Matter

Applicant gratefully acknowledges the indication that Claims 10, 13, and 14 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. However, Applicant respectfully asserts that the rejected base claim 8 is allowable in its present form for the reasons provided above and therefore the claims 10, 13, and 14 (which depend from claim 8) are also allowable without amendment. Therefore indication of allowable subject matter for claims 10, 13, and 14 is earnestly requested.

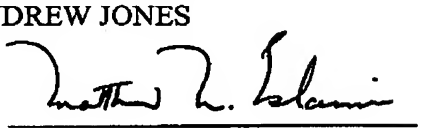
CONCLUSION

Therefore, Applicants respectfully submit that independent claims 8 defines patentable subject matter. The remaining dependent claims 9, 10, 11, 12, 13, and 14 depend from independent claim 8 and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 USC § 102 and 35 USC § 103. In view of the foregoing remarks, the application is believed to be in condition for the allowance, and such action is respectfully requested. Should the Examiner have any remaining questions and the attending to of which would expedite such action, the Examiner is invited to contact the undersigned at the telephone number listed below.

One extension of time is believed to be required. The Commissioner is hereby authorized to charge any such fee to deposit to Deposit Account No.09-0525.

Respectfully Submitted,
ANDREW JONES

Date: May 26, 2005

By: 

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